

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

GARY GRAHAM,

Defendants.

4:22CR3073

ORDER

Defendant has moved to continue the trial, (Filing No. 170), because his pretrial motions are pending. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 170), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on February 12, 2024, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. Jury selection will be held at commencement of trial.
- 3) Expert witness disclosures as required under Rule 16 must be served on or before February 2, 2024.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and February 12, 2024 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might

result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 7th day of December, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge